



IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KPI BRIDGE OIL LTD.,

Plaintiff,

v.

M/V EVERGLORY (IMO 9628893), her tackle,
boilers, apparel, furniture, engines, appurtenances,
etc., *in rem*,

Defendant.

IN ADMIRALTY

CASE NO.: 3:15-CV-05851

**ORDER AUTHORIZING
ISSUANCE OF WARRANT OF
ARREST**

[PROPOSED]

Having reviewed and considered the Motion for Issuance of Warrant of Arrest of Plaintiff, KPI BRIDGE OIL LTD, and Plaintiff's Verified Complaint, and finding that the conditions of Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure appear to exist, the Court hereby finds that the Motion is meritorious and should be **GRANTED**.

It is therefore **ORDERED, ADJUDGED AND DECREED** that a Warrant of Arrest be issued against the M/V EVERGLORY (IMO 9628893), her engines, freights, apparel, appurtenances, tackle, etc. ("Vessel") as prayed for in the Verified Complaint; and

IT IS FURTHER ORDERED that a copy of this order be attached and served with the said Warrant of Arrest on the person in charge of the said Vessel or her agent; and

IT IS FURTHER ORDERED that the United States Marshal and/or any Substitute Custodian, which is subsequently appointed by this Court, is authorized to allow the

[PROPOSED] ORDER AUTHORIZING ISSUANCE OF
WARRANT OF ARREST - 1
(3:15-CV-05851)

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1 M/V EVERGLORY to conduct normal cargo operations, both discharging and loading, repair
2 works, and to shift berths (consistent with the U.S. Marshal's requirements), always remaining
3 within this judicial district, and always at the risk and expense of the vessel's interests; and

4 **IT IS FURTHER ORDERED** that the Warrant of Arrest shall provide for the crew of
5 the Vessel to remain on the vessel during the time the vessel is *in custodia legis*; and

6 **IT IS FURTHER ORDERED** that the charges and expenses incurred by the U.S.
7 Marshal shall be deemed *in custodia legis*, and will be paid from the proceeds of the vessel's sale
8 unless otherwise agreed. If a written objection is timely filed, payment of the disputed charges
9 only shall be made after the objection is resolved by agreement of the parties or by Court Order.
10 Payment of the undisputed charges shall not be affected;

11 **IT IS FURTHER ORDERED**, that pursuant to Supplemental Rule E(5)(a), the Court
12 fixes the principal amount of the bond to obtain the release of the Vessel M/V EVERGLORY in
13 the amount of **USD 1,125,000**, same sufficient to cover the amount of Plaintiff's claim fairly
14 stated as permitted by Rule E(5).

15 **IT IS FURTHER ORDERED** that the Vessel may be released from seizure without
16 further order of this Court if the Marshal receives written authorization from the attorney who
17 requested the seizure, and that such attorney advises that he has conferred with all counsel
18 representing all of the parties to the litigation and they consent to the release, if the attorney files
19 the consent and the Court has not entered an Order to the contrary, and also provided that the
20 U.S. Marshal confirms that all expenses and fees due to the U.S. Marshal have been paid; and

21 **IT IS FURTHER ORDERED** that the Plaintiff shall agree to release and hold harmless,
22 and indemnify the United States of America, the United States Marshal, their agents, servants,
23 employees, and all others for whom they are responsible, from any and all liability or
24 responsibility for claims arising from the attachment of the vessel; and

25 **IT IS FURTHER ORDERED** that any person claiming an interest in the Vessel shall,
26 upon application to the Court, be entitled to a prompt hearing pursuant to Supplemental

1 Admiralty Rule E(4)(f) and LAR 116(b) at which the plaintiff shall be required to show why the
2 arrest should not be vacated or other relief granted.

3 SIGNED at Tacoma, Washington this 24th day of November 2015.

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6 UNITED STATES DISTRICT COURT JUDGE

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12 **Presented by:**

13 NICOLL BLACK & FEIG PLLC

14
15 Jeremy B. Jones, WSBA #44138
16 Shannon L. Trivett, WSBA #46689
17 *Attorneys for Plaintiff*